

HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 139 of 2005

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|--|-----------------|
| <ol style="list-style-type: none">1. Jasjeet Singh Bakshi
S/o Shri B. S. Bakshi
R/o C-368, Sarita Vihar
New Delhi - 1100762. B. S. Bakshi
S/o Shri Inder Singh Baksi
R/o C-368, Sarita Vihar
New Delhi- 1100763. Smt. Bhupendra Kaur Baksi
W/o Shri B. S. Bakshi
R/o C-368, Sarita Vihar
New Delhi - 1100764. Satbeer Singh Bakshi
S/o Shri B. S. Bakshi
R/o C-368, Sarita Vihar
New Delhi - 110076 | Applicants |
| Versus | |
| <ol style="list-style-type: none">1. State of U .P.2. Avneet Kaur
D/o Sardar Surjeet Singh Dang
R/o 34, Raipur Road, Dehradun
District Dehradun | Respondents |

Hon'ble J. C. S. Rawat, J.

This petition under section 482 Cr.P.C. has been filed for quashing the criminal proceedings in Criminal case No. 1571/2002 pending before the Chief Judicial Magistrate, Dehradun under sections 498-A, 323, 506 I.P.C.

Perusal the record reveals that the marriage was solemnized in Delhi between the applicant no.1- Jasjeet Singh Bakshi and respondent no.2- Avneet Kaur on 30.12.2000 according to Hindu rites and customs. After some time, respondent no.2 started living in her parental house at Dehradun. Thereafter, the applicant No.1-husband and respondent No.2-wife moved a joint petition for a decree of divorce by mutual consent before the District Judge, Delhi. On 2.3.2005 a decree of divorce was passed. But, the respondent No.2 lodged

the FIR against the applicants on 21.4.2002. Thereafter, the learned Magistrate took the cognizance against the applicants on 31.7.2002.

The applicants have stated in the affidavit that the applicant No.1 and respondent No.2 were the husband & wife and a decree of divorce has already been granted by the court below on the basis of mutual consent of both the parties. The parties have amicably settled their disputes and entered into a compromise. No dispute at present persist between them and other family members. Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in **B. S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277:-**

“12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.

*13. The observations made by this Court, though in a slightly different context, in **G.V. Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693** are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that*

those who could have counselled and brought about re-approchment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."

Considering the above facts and the principles laid down by the Apex Court, the charge-sheet mentioned above and the proceedings in criminal case no. 1571/2002 are hereby quashed. The petition is allowed accordingly.

(J.C.S. Rawat, J.)

Dated 22.6.2005

LSR